

Senate Bill No. 667

CHAPTER 357

An act to amend, repeal, and add Sections 2608 and 2627 of the Unemployment Insurance Code, relating to disability.

[Approved by Governor September 28, 2015. Filed with
Secretary of State September 28, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 667, Jackson. Disability insurance: eligibility: waiting period.

(1) Under existing law, a disabled individual is eligible to receive disability benefits equal to $\frac{1}{2}$ of his or her weekly benefit amount for each full day during which he or she is unemployed due to a disability if the Director of Employment Development makes specified findings, including that the individual has been unemployed and disabled for a waiting period of 7 consecutive days during each disability benefit period. Existing law provides that during this 7-day waiting period, no disability benefits are payable.

This bill, beginning July 1, 2016, would waive the 7-day waiting period for an individual who has already served the 7-day waiting period for the initial claim when that person files a subsequent claim for disability benefits for the same or a related condition within 60 days after the initial disability benefit period. The bill would also require the director to submit a report regarding the effect of the modified waiting period to the Legislature on or before January 1, 2020, as specified.

(2) Existing law provides that if an individual receives 2 consecutive periods of disability benefits due to the same or a related cause or condition and separated by not more than 14 days, they are considered as one disability benefit period.

This bill, beginning July 1, 2016, would extend to 60 days the time between claims for the same or related cause or condition to be considered one disability benefit period.

The people of the State of California do enact as follows:

SECTION 1. Section 2608 of the Unemployment Insurance Code is amended to read:

2608. (a) "Disability benefit period," with respect to any individual, means the continuous period of unemployment and disability beginning with the first day with respect to which the individual files a valid claim for unemployment compensation disability benefits. For the purposes of this part, two consecutive periods of disability due to the same or related cause

or condition and separated by a period of not more than 14 days shall be considered as one disability benefit period.

(b) This section shall become inoperative on July 1, 2016, and as of January 1, 2017, is repealed.

SEC. 2. Section 2608 is added to the Unemployment Insurance Code, to read:

2608. (a) “Disability benefit period,” with respect to any individual, means the continuous period of unemployment and disability beginning with the first day with respect to which the individual files a valid claim for unemployment compensation disability benefits. For the purposes of this part, two consecutive periods of disability due to the same or related cause or condition and separated by a period of not more than 60 days shall be considered as one disability benefit period.

(b) This section shall become operative on July 1, 2016.

SEC. 3. Section 2627 of the Unemployment Insurance Code is amended to read:

2627. A disabled individual is eligible to receive disability benefits equal to one-seventh of his or her weekly benefit amount for each full day during which he or she is unemployed due to a disability only if the director finds that:

(a) He or she has made a claim for disability benefits as required by authorized regulations.

(b) He or she has been unemployed and disabled for a waiting period of seven consecutive days during each disability benefit period with respect to which waiting period no disability benefits are payable.

(c) Except as provided in Sections 2626.1, 2626.2, and 2709, he or she has submitted to such reasonable examinations as the director may require for the purpose of determining his or her disability.

(d) Except as provided in Section 2708.1, he or she has filed a certificate as required by Section 2708 or 2709.

(e) This section shall become inoperative on July 1, 2016, and as of January 1, 2017, is repealed.

SEC. 4. Section 2627 is added to the Unemployment Insurance Code, to read:

2627. A disabled individual is eligible to receive disability benefits equal to one-seventh of his or her weekly benefit amount for each full day during which he or she is unemployed due to a disability only if the director finds that:

(a) He or she has made a claim for disability benefits as required by authorized regulations.

(b) (1) He or she has been unemployed and disabled for a waiting period of seven consecutive days during each disability benefit period with respect to which waiting period no disability benefits are payable.

(2) The waiting period requirement shall not apply to a person who has met the waiting period requirements on the initial claim for disability benefits when that person files a subsequent claim for disability benefits for the same

or a related cause or condition within 60 days after the original disability benefit period.

(c) Except as provided in Sections 2626.1, 2626.2, and 2709, he or she has submitted to such reasonable examinations as the director may require for the purpose of determining his or her disability.

(d) Except as provided in Section 2708.1, he or she has filed a certificate as required by Section 2708 or 2709.

(e) The director shall report to the Legislature regarding the effect of the modified waiting period in paragraph (2) of subdivision (b) on or before January 1, 2020, and may submit subsequent reports thereafter. The report shall be submitted in compliance with Section 9795 of the Government Code.

(f) This section shall become operative on July 1, 2016.